REMARKS

Claim 37 has been amended. Claims 1-4, 7, 9-20, 23, 26-34, 37, 39-50, 53, and 56-60 are in the application. No claim is allowed. Reconsideration is requested.

Claim 37 is rejected under 35 USC 112, second paragraph, for improper dependency. Dependency of that claim has been corrected.

Claims 1-4, 7, 13-15, 31-34, 37 and 43-45 are rejected under 35 USC 103(a) as unpatentable over Walker et al ("Walker") in view of Boushy and McCrea, all of record.

Walker discloses an electronic amusement device and a method for operating the device are disclosed. A slot machine server controls a secondary game of chance played at a client slot machine. The server receives a player identifier corresponding to a player and a client identifier corresponding to a client slot machine. The server retrieves registration data relating to a secondary game of chance corresponding to the player identifier and the client identifier. The server further receives an outcome from the client slot machine and analyzes the outcome based on game requirements associated with the secondary game of chance, thereby determining whether the outcome satisfies at least one of the game requirements. Once all of the game requirements have been satisfied, the server updates a session status indicating the completion of the game requirements.

Walker does not disclose a progressive bonus game that is incremented based upon a stored first set of game outcomes associated with a set of participating progressive players from play of a game at a first enterprise **and** based upon a stored second set of game outcomes associated from play of a second game associated with a second enterprise. Walker also fails to disclose a time limit in which outcomes of games must occur to qualify for a progressive bonus. In Walker's FIG 5a, the non-solo games have no game play time limit. Also, according to the present invention, the players may participate in the same progressive bonus at different enterprises.

Boushy discloses a system and method for implementing a customer tracking and recognition program that encompasses customers' gaming and non-gaming activity alike at a plurality of affiliated casino properties. Customer information is accumulated at each affiliated casino through one or more LAN-based management systems, updated to a central patron database (CPDB) that is coupled to each casino LAN through a WAN, and made available to each affiliated casino property as needed. However, there are no specific progressive bonus awards that are tracked

and stored since all points are cumulative to a player. Boushy, col. 8, lines 55-64. The point awards have a monetary value and are redeemable for gifts, meals, cash and the like, at any of the casino properties, but they are not associated with specific bonus parameter sets, nor are the sets tied to a specific time period. The fact that a customer can accumulate his total points from play at different enterprises does not lead one of ordinary skill to allow him to participate in a progressive jackpot within a designated time period from the different enterprises. Indeed, it would seem that an enterprise would want a customer, particularly if entered into a time-limited progressive jackpot, to not leave that enterprise so that all the gambling by that customer on that jackpot would take place there. This would teach away from the invention. It would not be obvious to make modifications to Walker and Boushy to arrive at the presently claimed features.

The examiner relies upon McCrea to teach a progressive jackpot that may be incremented upon the occurrence of certain game outcomes. For example, each time a dealer busts in a game of blackjack, a certain amount of money is added to a jackpot. In addition to the primary blackjack game, in subsequent games, any player having the pre-determined winning combination of cards takes the jackpot, independent of the primary blackjack game. However, this does not remedy the deficiencies of the primary references. The players in the blackjack game in McCrea are not only at the same enterprise, they are at the same table in the same game. Their jackpot size is dependent upon the number of times the dealer at that table busts while they are in the game. It is almost impossible, and is certainly impractical, to allow a player to participate in a game at one enterprise (where the dealer may bust 10 times while he is there), then allow that player to go to a second enterprise and allow him to still be eligible to win the accumulated jackpot from the table at the first enterprise. Again, it is submitted that even McCrea teaches away from the present invention.

It is therefore submitted that the combination of Walker, Boushy and McCrea do not form a *prima facie* case under 35 USC 103(a) and withdrawal of the rejection is respectfully requested.

Regarding the claims dependent from claims 1 and 31, since there is no *prima facie case* applicable to claims 1 and 31, the dependent claims are allowable for the same reasons discussed above.

Claims 9-12, 16-20, 23, 26-30, 39-42, 46-50, 53 and 56-60 are rejected under 35 U.S.C. §103(a) as being unpatentable over Walker, Boushy and McCrea and further in view of Acres, U.S. Patent No. 6,319,125 (Acres).

This rejection is respectfully traversed. The examiner alleges that the Walker, Boushy and McCrea teach the elements of the invention described in claim 1, but not the features described in claim 9. Acres discloses a method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices is described. A percentage of a wager played on each gaming device is accumulated into a bonus pool 304 (FIG. 1) stored on the bonus server. The bonus pool is compared to a threshold value stored on the bonus server each time the bonus pool changes. The examiner relies on a secondary bonus pool in Acres, presumably 306 (FIG. 1, described in col. 8) as "a second portion of the progressive bonus" in claim 9. However, that consolation prize pool 306 is not a portion of the progressive bonus. That is explicitly stated at col. 8, lines 10-11. The players do not even know how much is in pool 306. Moreover, there does not appear to be a time constraint on winning pool 306. Finally, there is no disclosure that the game outcomes from games played at different enterprises can be used to win. Acres thus does not remedy the deficiencies of the primary references discussed above. Moreover, Acres' progressive jackpot is not related to a set of progressive bonus parameters. The bonus is awarded merely after there has been a designated coin-in collection by the players. Col. 8, lines 1-5. There is also no time limit for attaining this. There are not different sets of bonus players for the pot, so there can be no first and second sets of game outcomes. Accordingly, Acres does not remedy the deficiencies of the primary references. Therefore, it is submitted that the combination of references does not form a *prima facie* case against claims 9, 16 or 46, or any claim dependent thereon. Withdrawal of the rejection is respectfully requested.

In view of the above, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited. Should the examiner believe that minor matters still remain that can be resolved in a telephone interview, the examiner is urged to call applicants' undersigned attorney.

Respectfully submitted,
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